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Date: September 27, 2004	Phone Number	Fax Number
To: Examiner Colin		(703) 872-9306
From: Kevin J. Zilka		

Docket No.: NAIIP194\_99.115.01

App. No: 09/664,919

Total Number of Pages Being Transmitted, Including Cover Sheet: 05

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Please deliver to Examiner Colin.

Thank you,  
Kevin J. Zilka

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Practitioner's Docket No. NAIIP194/99.115.01

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re application of: Jeffrey M. Drew

Application No.: 09/664,919

Group No.: 2136

Filed: September 18, 2000

Examiner: Colin, Carl G.

For: METHOD AND APPARATUS FOR MINIMIZING FILE SCANNING BY ANTI-VIRUS  
PROGRAMS

SEP 27 2004

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES  
(37 C.F.R. § 1.191)

Applicant hereby appeals to the Board from the decision of the Primary Examiner, mailed June 4, 2004, finally rejecting claims 1-15.

## 1. STATUS OF APPLICANT

This application is on behalf of other than a small entity.

---

**CERTIFICATION UNDER 37 C.F.R. " 1.8(a) and 1.10\***  
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*Express Mail certification is optional.*)

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37 C.F.R. § 1.8(a)

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Date:

9/27/2004

Signature

Erica L. Farlow

(type or print name of person certifying)

\* Only the date of filing (" 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under " 1.8 continues to be taken into account in determining timeliness. See " 1.703(f). Consider "Express Mail Post Office to Addressee" (" 1.10) or facsimile transmission (" 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Notice of Appeal from the Primary Examiner to Board—page 1 of 2

**2. FEE FOR FILING NOTICE OF APPEAL**

Pursuant to 37 C.F.R. § 1.17(b), the fee for filing the Appeal Brief is:

Other than a small entity \$330.00

Notice of Appeal fee due \$330.00

**3. EXTENSION OF TERM**

The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)(1)-(4)) for one month:

Fee \$110.00

If an additional extension of time is required, please consider this a petition therefor.

**4. TOTAL FEE DUE**

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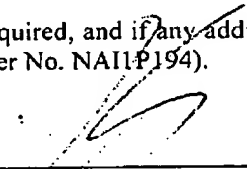
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\_\_\_\_\_  
Signature of Practitioner  
Kevin J. Zilka  
Zilka-Kotab, PC  
P.O. Box 721120  
San Jose, CA 95172-1120  
USA

Notice of Appeal from the Primary Examiner to Board—page 2 of 2



Practitioner's Docket No. NAI1P194/99.115.01

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In re application of: Jeffrey M. Drew

Application No.: 09/664,919

Group No.: 2136

Filed: September 18, 2000

Examiner: Colin, Carl G.

For: METHOD AND APPARATUS FOR MINIMIZING FILE SCANNING BY ANTI-VIRUS PROGRAMS

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